

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WAYNE HOLLAUS,

Plaintiff,

v.

KEVIN POSALSKI, *et al.*,

Defendants.

CASE NO. 2:25-cv-00268-KKE-GJL

ORDER TO SHOW CAUSE

This prisoner civil rights action has been referred to United States Magistrate Judge Grady J. Leupold. Plaintiff Wayne Hollaus, proceeding *pro se*, initiated this action alleging deliberate indifference to his medical needs by Defendants Kevin Posalski, Howard Barron, and Maria Dy. *See* Dkt. 9. The filing fee has been paid. *See* Dkt. 1. The Clerk's Office has attempted to effect service on all defendants pursuant to Federal Rule of Civil Procedure 4, but Defendants Posalski and Dy have not returned signed waivers of service of summons by the required deadline. *See* Dkt. 10. Accordingly, Defendants Posalski and Dy are **ORDERED** to **SHOW CAUSE** or **FILE** signed service waivers not later than **September 9, 2025**.

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**I. DISCUSSION**

On July 8, 2025, the Court directed service of Plaintiff's Amended Complaint upon all defendants. Dkt. 10. In particular, the Court directed the Clerk's Office to effect service in accordance with Federal Rule of Civil Procedure 4, and ordered the following:

Defendants shall have **thirty (30) days** within which to return the enclosed waiver of service of summons. A defendant who timely returns the signed waiver shall have **sixty (60) days** after the date designated on the notice of lawsuit to file and serve an answer to the Amended Complaint or a motion permitted under Rule 12 of the Federal Rules of Civil Procedure.

A defendant who fails to timely return the signed waiver will be personally served with a summons and Amended Complaint and may be required to pay the full costs of such service, pursuant to Rule 4(d)(2) of the Federal Rules of Civil Procedure.

*Id.* at 2. Under Federal Rule of Civil Procedure 4(d)(2),

If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant: (A) the expenses later incurred in making service; and (B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

On July 22, 2025, the Court received return receipts from the service packets sent to Defendants Posalski, Barron, and Dy via certified mail at Federal Detention Center in Seattle Tacoma ("FDC SeaTac"). Dkt. 12. Each return receipt was signed as received by an agent at FDC SeaTac on July 11, 2025. *Id.* Shortly thereafter, the Court received a timely service waiver from Defendant Barron. Dkt. 13. However, no service waivers have been received from Defendants Posalski and Dy. *See docket.* In light of these circumstances, the Court finds it likely that Defendant Posalski and Dy, or an appropriate agent thereof, has received the service packets containing the Court's Service Order (Dkt. 10) and enclosed waivers of service.

Because Defendants Posalski and Dy have failed to timely return signed waivers of service, they **MUST SHOW CAUSE** as to why the Court should not direct the U.S. Marshal to personally serve them, with the costs of such service assessed against them pursuant to Rule

4(d)(2). In lieu of showing cause, Defendants Posalski and Dy, or their appropriate counsel, **MAY FILE** signed waivers of service signed on or before the required deadline.

## II. INSTRUCTIONS TO DEFENDANTS

For the above stated reasons, Defendants Kevin Posalski and Maria Dy are **ORDERED** to **SHOW CAUSE** why the Court should not direct the U.S. Marshal to personally serve them, with the costs of personal service assessed against them pursuant to Rule 4(d)(2). Alternatively, Defendants Posalski and Dy **MAY** satisfy this Order by filing signed waivers of service. The deadline for Defendants Posalski and Dy to **SHOW CAUSE** or **FILE** signed waivers of service is not later than **September 9, 2025**.

Additionally, the Clerk's Office is directed to send a copy of this Order, the Service Order (Dkt. 10), and all service documents identified therein to Defendants Posalski and Dy via certified mail. The Clerk is further directed send a copy of this Order to the United States Attorney's Office for the Western District of Washington by first-class mail.

Dated this 26th day of August, 2025.



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Grady J. Leupold  
United States Magistrate Judge